

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	5:07-cr-009-SLB-JEO
)	
BRIAN SCOTT CULVER.)	

MOTION FOR PRODUCTION AND DISCLOSURE
(8MM VIDEOTAPE/"DIGITAL STILL PHOTOGRAPH")

COMES NOW Defendant, by and through his undersigned attorney,
and requests, in addition to all information and things previously requested,
production and disclosure of the following information and/or things
enumerated herein:

DEFINITIONS:

1. "Government" refers not only to the prosecuting United State's Attorney's office, but also to every governmental and quasi-governmental office, agency, bureau, official, employee, agent, or other entity of the federal government, the State of Alabama, or of any county or municipality within its boundaries, including, but not limited to; all agencies having responsibility for the investigation, deterrence, punishment, and reporting of unlawful activity.

2. "Indictment" refers to Criminal Indictment in this case.

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3. “Document” refers to original and any copy, regardless of origin or location, of any written or recorded material, including computerized, tape recorded, printed, handwritten, or stenographic material.

4. “Evidence” is used in its generic as well as its legal sense.

5. “Recorded” not only signifies recording by electronic apparatus, but includes preservation by any artificial means whatsoever, the precise meaning to be gained from context.

REQUESTS:

1. Disclosure, by the State, of the exact frame number from the “8mm videotape” (previously requested in other “Motions for Production and Disclosure”) that was captured and/or enhanced to produce a still image alleged to contain Defendant’s fingerprint.

2. Disclosure, by the Government, of the name and manufacturer of the equipment and software package used during the capture and/or enhancement of the still image described above.

3. Description of the exact software sequence used in the capture and/or enhancement process of the still image described above, and whether any enhancements are repeatable.

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4. Description of the equipment, serial number, model number, service and repair history of the Intergraph system used by Hoover Police Department to capture and/or enhance the still image described above.

5. Disclosure, by the Government, of the name of the individual or individuals who captured and/or performed any enhancement of the still image described above.

6. Disclosure, by the Government, of the chain of custody of the still image described above during its capture and/or enhancement, including disclosure of all persons present during any capture and/or enhancement of the image.

7. Disclosure, by the Government, of whether the still image described above has been altered in any way since it was first enhanced, and if so, the dates of any and all such alterations, the process used to commit any and all such alterations, the names of the persons performing any and all such alterations, and whether any or all such alterations are repeatable.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that the United States Attorney be ordered to produce all the information, material, evidence, etc. described directly herein, or previously requested, and that such disclosure be continuing in nature up to

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trial, and further allow Defendant or his counsel the right to examine, inspect, copy, and photograph such material, information, or evidence at a reasonable time and place, and that the said reasonable time and place be such as to allow Defendant a reasonable amount of time in advance of trial to consider the results of said disclosure.

Respectfully submitted,

s/Herbie Brewer

HERBIE BREWER (asb-8713-b55h)

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of February, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following attorneys of record: Alice H. Martin, United States Attorney, Laura D. Hodge, Assistant United States Attorney.

s/Herbie Brewer

Herbie Brewer